

does not protect prisoners from every adverse change in their confinement. *Sandin v. Connor*, 515 U.S. 472, ___, 115 S. Ct. 2293, 2297 (1995). If the conditions and degree of confinement are within the sentence imposed and do not otherwise violate the Constitution, prisoners have no claim under the Due Process Clause. *Montayne v. Haymes*, 427 U.S. 236, 242 (1976). *See also Hewitt v. Helms*, 459 U.S. 460, 468 (1983) (prisoners have no inherent right to remain in general population). Disciplinary action taken in response to a prisoner's misconduct "falls within the expected parameters of the sentence." *Sandin*, 115 S. Ct. at 2301.

To determine whether prisoners have a liberty interest under state law, the court looks at the nature of the deprivation. *Id.* at 2299-2300. Generally, state-created liberty interests are "limited to freedom from restraint which . . . imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life." *Id.* at 2300. Segregated confinement does not normally "present a dramatic departure from the basic conditions" of prison life. *Id.* at 2301.

In the instant case, plaintiff's claim that he lost several prison privileges for a short time fails to allege conditions of confinement which impose an atypical and significant hardship in relation to the ordinary incidents of prison life. Therefore, plaintiff has no claim under due process as to the conduct violation he received. Furthermore, to the extent plaintiff alleges the conduct violation further resulted in the loss of his prison job, such allegation also fails to state a claim under 42 U.S.C. § 1983. Prisoners do not have a constitutional right to be assigned to any particular job in prison. *Mitchell v. Kirk*, 20 F.3d 936, 938 (8th Cir. 1994); *Flittie v. Solem*, 827 F.2d 276, 279 (8th Cir. 1987). Nor do prisoners have a right to receive wages while in prison. *Robinson v. Cavanaugh*, 20 F.3d 892, 894 (8th Cir. 1994).

Plaintiff's motion for summary judgment is denied as premature. Defendants have neither waived service of process nor been served with summons and complaint. Plaintiff may renew his motion at a later date if he deems it appropriate.

The court notes for the record that plaintiff has been granted leave to proceed against named defendants Denis Agniel, Dave Dormire, and Jeremiah W. Nixon on plaintiff's ex post facto claims challenging the procedures used for his parole hearings.

IT IS, THEREFORE, ORDERED that plaintiff's claims challenging revocation of parole and application of the Missouri Truth-in-Sentencing Act to his parole eligibility are dismissed as duplicative/frivolous, and claims challenging alleged false conduct violations are dismissed for failure to state a claim, pursuant to the provisions of 28 U.S.C. § 1915. It is further

ORDERED that plaintiff's motions for preliminary injunction, for judgment on the pleadings, and for default judgment are denied [2, 8, 9, 12, 16]. It is further

ORDERED that plaintiff's motion for summary judgment is denied, without prejudice, as premature [21].

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: 1-23-06